IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 11198 of 2005

Between:

Manupati Santhamma, w/o Premaiah,
r/o Chinna Bethapudi Village, Bapatla Mandal, Guntur District.

..... PETITIONER

AND

1 The Government of A.P., rep., by its Secretary, Home

Department, Secretariat, Hyderabad.
2 The Inspector of Police, Bapatla Police Station, Guntur

District.
3 The Sub-Inspector of Police, Vedullapalli Police Station,

Bapatla Mandal, Guntur District.
4 The Inspector of Police, Pithapuram, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Habeas Corpus directing the respondents herein to produce the detenue by name Manupati Israil, s/o Premaiah, Erukula by cast aged 35 years r/o Chinnabethapudi Village, Bapatla Mandal, Guntur District and pass such other order or orders as this Honourable Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.GANDURI NAGESWARA RAO

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

ORAL ORDER: (Per Sri BRSR,J)

This writ petition is absolutely frivolous in its nature. The petitioner did not state the complete required facts in detail in the affidavit filed in support of the writ petition.

It is evident from the averments made in the affidavit filed by the Inspector of Police, Bapatla Circle, Guntur District which remained unrebutted that the petitioner is involved in Crime No.31 of 2002 under Sections 457 and 380 IPC on the file of the Chandole Police Station, Bapatla Circle, Guntur District and the same is pending in CC No.36 of 2003 on the file of the learned II Additional Munsif Magistrate, Bapatla in which a non-bailable warrant has been issued by the learned Magistrate against the alleged detenu. These facts are suppressed by the petitioner and no information about the involvement of the alleged detenu is mentioned in the affidavit filed in support of the writ petition.

We are not impressed by the allegation made by the petitioner against the Inspector of Police that all of a sudden on 5.5.2005 the 2nd respondent-Inspector of Police confined the alleged detenu in police custody and applied third degree methods. In the affidavit the Inspector of Police stated in clear and specific terms that he was in casual leave from 4.5.2005 to 6.5.2005. He has also produced a copy of the proceedings of the Superintendent of Police, Guntur disclosing that casual leave has been sanctioned by the Superintendent of Police to him from 4.5.2005 to 6.5.2005. The averments made in the affidavit filed by the petitioner are obviously

false.

It appears to us that this petition is pressed into service by the alleged detenue only to put pressure on the police and prevent them from executing the non-bailable warrant issued against him. It is a clear case of abuse of judicial process by the alleged detenu.

We find no merit in this writ petition and the same shall accordingly stand dismissed.

(B.SUDERSHAN REDDY,J)

Dated 08..06..2005

(RAMESH RANGANATHAN,J)

msv

To

1 The Secretary, Home Department, Secretariat

Government of A.P., , Hyderabad.
2 The Inspector of Police, Bapatla Police Station, Guntur

District.
3 The Sub-Inspector of Police, Vedullapalli Police Station,

Bapatla Mandal, Guntur District.

4 The Inspector of Police, Pithapuram, East Godavari District.

5 2 CCs to the Advocate General, High Court of A.P. Hyderabad

(OUT)